

REMARKS

Reconsideration of the application is requested.

Claims 16 and 23-26 are now in the application. Claims 16 and 23-26 are subject to examination. Claim 16 has been amended. Claims 23-26 have been added.

Under the heading "Claim Rejections – 35 USC § 102" on page 2 of the above-identified Office Action, claim 16 has been rejected as being fully anticipated by U.S. Patent No. 5,400,072 to Izumi et al. under 35 U.S.C. § 102.

Claim 16 has been amended to even better define the invention by specifying that the ring-shaped support defines an outer boundary of the housing.

Support for the change can be found by referring to Figs. 1 and 2, for example, which clearly show that the ring shaped support 13a defines an outer boundary of the housing 13.

The Examiner has alleged that the cylindrical lens holder 1, which is taught by Izumi et al., is a housing and that the shield case 200, which is taught by Izumi et al., is a lens holder.

Izumi et al. teach that the cylindrical lens holder 1 has projections 116 and 121 that extend inwardly from an internal surface of the cylindrical lens holder 1 (See Fig. 17A). In contrast to the invention as defined by claim 16, the

projections 116 and 121 do not define an outer boundary of the cylindrical lens holder 1.

The invention as now defined by claim 16 could not be considered to be anticipated by the teaching in Izumi et al.

Claim 23 has been added to even further distinguish the invention from the prior art. Support for claim 23 can be found by referring to Figs. 1 and 2, for example, which clearly show that the outer boundary of the housing, which is defined by the ring-shaped support 13a, is external to all portions that are integrally formed with the housing 13.

In contrast to the invention as defined by claim 23, the projections 116 and 121 of Izumi et al. do not define an outer boundary of the cylindrical lens holder 1 that is external to all portions that are integrally formed with the cylindrical lens holder 1. The projections 116 and 121 are clearly in the interior of the cylindrical lens holder 1.

Claim 24 has been added to even further distinguish the invention from the prior art. Support for claim 24 can be found by referring to Fig. 1, for example, which clearly shows that the housing 13 is not disposed between the lens holder 14 and the base lens 16.

In contrast to the invention as defined by claim 24, Izumi et al. teach that the alleged housing (lens holder 1) is disposed between the alleged lens holder (shield case 200) and the lens L4.

Claim 25 has been added to even further distinguish the invention from the prior art. Applicants believe that support for claim 25 can be found by referring to the translated specification at page 5, lines 2-31.

In contrast to the invention as defined by claim 25, Izumi et al. do not teach that the alleged housing (lens holder 1) protects the semiconductor element from infrared radiation.

Claim 26 has been added to even further distinguish the invention from the prior art. Support for claim 26 can be found by referring to Fig. 1, for example, which clearly shows that the housing 13 and the semiconductor element 12 form an integral unit that does not package the base lens 16.

In contrast to the invention as defined by claim 26, Izumi et al. teach that the alleged housing (lens holder 1) is part of an integral unit (the lens holder 1 in its entirety and the contents therein) that packages the lens L4.

Additionally, applicants respectfully believe the Examiner is interpreting the teaching in Izumi et al. in a manner that is inconsistent with the actual teaching therein. Fig. 17A of Izumi et al. shows a cylindrical lens holder 1 that holds the

lenses L1-L4, and a shield case 200 that runs along the outside surface of the lens holder 1 in order to act as an electrostatic shield (See column 18, lines 26-62).

Rather than interpret the teaching in Izumi et al. in a manner that is consistent with the actual teaching therein, the Examiner insists that the cylindrical lens holder 1 is a housing and that the shield case 200 is a lens holder. Izumi et al., however, teach that the “shield case 200 serves to prevent the solid-state image pickup device 6 from suffering from electrostatic noise from the exterior...” (column 18, lines 50-62). Izumi et al. also teach that the “shield case 200 also serves to mechanically protect the component parts installed therein and increase the moisture resistant property thereof” (column 18, lines 63-65).

The Examiner has ignored the fact that Izumi et al. teach that the cylindrical lens holder 1 holds the lenses; i.e. the lens holder 1 is a lens holder. Perhaps the cylindrical lens holder 1 might be considered to perform the functions of a housing as well as a lens holder, but nevertheless, that component is a lens holder.

The Examiner has also ignored the fact that Izumi et al. teach that the actual functions of the shield case 200 are totally unrelated to the functions of a lens holder. There is no teaching that the shield case 200 serves as a lens holder;

the shield case 200 serves as an electrostatic shield and serves to mechanically and environmentally protect the component parts therein.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 16. Claim 16 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 16.

In view of the foregoing, reconsideration and allowance of claims 16 and 23-26 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stermer LLP, No. 12-1099.

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Respectfully submitted,

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